

REMARKS

Reconsideration of the above-identified application in view of the remarks following is respectfully requested.

Claims 1-23 are in this case.

Claims 1-3, 6-12, 14-16 and 19-21 have been rejected under 35 U.S.C. § 102(b).

Claims 4-5, 13, 17-18 and 22-23 have been rejected under 35 U.S.C. § 103(a).

The claims before the Examiner are directed toward a system and method for offering an item for sale which combines a purchase with a gamble on a lower price for a fee. The prize in the gamble is a reduced price on the item to be purchased.

§ 102(b) Rejections- Walker

The Examiner has rejected claims 1-3, 6-12, 14-16 and 19-21 under 35 U.S.C. § 102(b) as being anticipated by US 5,862,223 (hereinafter Walker).

The applicant respectfully suggests that the Examiner has failed to grasp the essential differences between what is claimed and the earlier teachings of Walker.

The objective of Walker is to match qualified experts with people seeking advice.

By contrast, the device of the present invention relates primarily to adding a gambling dimension to on-line shopping.

Specifically, the examiner has cited Walker (column5; line 51 to column 6 line 25):

“The applicant is unaware of the existence of any such commercially viable expert exchange which contains the features described above. Therefore, it is an object of the present invention to provide an efficient method of locating and matching remote qualified experts ("experts") to customers ("clients") who need their expertise by the method and apparatus of the present invention and where the invention addresses the market mechanisms needed that prior inventions have failed to offer. Another object of the present invention is to locate qualified experts even if

they are not currently registered with the Exchange. Another object of the present invention is to provide an asynchronous device and system for connecting the client with the expert, transmitting job requests from client to expert. A further object of the present invention is to authenticate the qualifications of the experts. A still further object of the present invention is to allow clients to review prior work produced by an expert. Another object of the present invention is to provide a reliable method for the expert to be paid by the client where such a method can accommodate a plurality of payment systems that may occur independently of the details of the actual payment service being used in a manner that is transparent to both the client and the expert. Another object of the present invention is to enable the expert to be assured of payment for services by the Exchange if the client does not pay for such services. Yet another object of the present invention is to allow for the Exchange to verify a client's ability to pay prior to delivering the completed analysis, or to allow clients to set up escrow accounts for payment. A still further object of the present invention is to allow the client to choose from a list of experts in a field and select a particular expert to provide service, where such service is in the form of expert advice or judgement. A further object of the present invention allows for a user to search a database of experts where the identities of the experts are concealed from the user, but the user may search a database of those experts by certain characteristics and may optionally communicate with those experts without knowing their identity. A further object of the present invention is to provide a real-time connection between the client and the expert during which negotiations can take place or during which advice or judgement can be passed between the parties."

as anticipating the "providing information pertaining to the at least one item for sale to a specific user client belonging to said plurality of user clients, wherein said information includes a plurality of fixed prices for the at least one item for sale" of claims 1, 6, 10, 14 and 19. Applicant asserts that the cited portion of Walker contains no teaching of "information [that] includes a plurality of fixed prices for the at least one item for sale" as instantly claimed. Walker does not anticipate any of claims 1, 6, 10, 14 or 19. The Examiner's rejection is traversed.

Further, the examiner has cited Walker (column 23; lines 24-26):

"In one embodiment of the present invention, communications between end users and experts take place asynchronously. The end user creates an end user request 120, transmits it to central controller 200, and then disconnects from the network. The expert generates an expert answer 130, transmits it to central controller 200, which then transmits it to the end user. The end user and expert do not communicate in real time."

as anticipating "revealing a single price from said plurality of fixed prices to the consumer in return for a fee" of claim 1, 6, 10, 14 and 19. Applicant asserts that the cited portion of

Walker contains no teaching of “revealing a single price from said plurality of fixed prices to the consumer in return for a fee” as instantly claimed. Walker does not anticipate claim 1. The Examiner’s rejection is doubly traversed.

Further, the examiner has cited Walker (column 23; lines 24-26[see above]) as anticipating “remitting to an account of the party a fee in order to ascertain a single price from said plurality of fixed prices”. As argued hereinabove, Walker has failed to teach a plurality of fixed prices for any single item. Walker does not anticipate any of claim s 1, 6, 10, 14 or 19. The Examiner’s rejection is trebly traversed.

In summary, the examiner appears to have mistakenly equated a plurality of experts with a single item. Applicant asserts that each expert is analogous to a single item for sale. Walker contains no teaching, hint, or fair suggestion that any single expert offers a plurality of prices, or that prices are revealed as part of a gambling game as instantly claimed.

All 35 U.S.C. § 102(b) rejections are traversed.

§ 103(a) Rejections- Walker

The Examiner has rejected claims 4-5, 13, 17-18 and 22-23 under 35 U.S.C. § 103(a) as being obvious with respect to Walker.

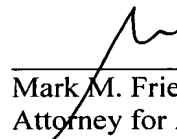
Because claims 4-5 depend from claim 1, claim 13 depends from claim 10, claims 17-18 depend from claim 14 and claims 22-23 depend from claim 19, all of these claims are in condition for allowance by virtue of dependency from a claim which is in condition for allowance.

The Examiner's rejection of claims 4-5, 13, 17-18 and 22-23 under 35 U.S.C. § 103(a) is traversed.

All rejections are traversed.

In view of the above it is respectfully submitted that claims 1-23 are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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